

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

JESSICA KING,
Plaintiff,

v.

FEDERAL COMMUNICATIONS
COMMISSION, et al.,
Defendants.

Case No. 24-cv-03397-RMI

**ORDER RE: MANDATORY
SCREENING OF COMPLAINT
PURSUANT TO 28 U.S.C. §
1915(E)(2)(B)**

Plaintiff King, proceeding *pro se*, brings this action seeking injunctive and monetary relief against twelve Defendants: The Federal Communications Commission, the Federal Trade Commission, Meta Platforms, Inc., NVIDIA Corporation, Mazar Technologies, Inc., Google, Secutus Technologies, Via Path/Global Tel-Link, Inter Active Corporate, Match Group, Inc., Bumble, Inc., and Meet Group, Inc. *See* Compl. (Dkt. 1) at 2-5. The court previously granted Plaintiff's application to proceed *in forma pauperis* ("IFP") in accordance with 28 U.S.C. § 1915, (dkt. 6) and now considers whether Plaintiff's Complaint must be amended pursuant to the requirements of § 1915(e)(2)(B).

Any complaint filed pursuant to the IFP provisions of § 1915(a) is subject to mandatory review and *sua sponte* dismissal if the court determines the complaint is "frivolous or malicious," "fails to state a claim on which relief may be granted," or "seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B)(i)-(iii); *see also Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001) ("[T]he provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.").

A complaint may fail to state a claim if it violates the pleading requirements of the Federal

Rules of Civil Procedure. *See Cafasso, U.S. ex rel. v. Gen. Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1058 (9th Cir. 2011). Rule 8 of the Federal Rules requires “a short and plain statement of the claim” and that “each allegation” in the complaint “be simple, concise, and direct.” Fed. R. Civ. P. Rule 8(a)(2), 8(d)(1). “Although normally, verbosity or length is not by itself a basis for dismissing a complaint,” a pleading may not be “of unlimited length or opacity.” *Cafasso*, 637 F.3d at 1058 (cleaned up). As such, a complaint that is “needlessly long ... highly repetitious, or confused, or consists of incomprehensible ramblings” violates Rule 8 (*id.* at 1059) and is subject to dismissal at the screening stage. *See e.g., Deuschel v. Cal. Health & Human Servs. Agency*, 2023 WL 7026932, *2 (N.D. Cal. Oct. 24, 2023) and *Phelps v. Alameda Hous. Auth.*, No. 23-cv-04235-TSH, 2023 WL 7094570, *3-4 (N.D. Cal. Oct. 5, 2023).

Additionally, a complaint may be dismissed as “frivolous” where it “lacks an arguable basis either in law or in fact.” *Denton v. Hernandez*, 504 U.S. 25, 31 (1992) (cleaned up); *see also Anderson v. Sy*, 486 F. App’x 644 (9th Cir. 2012) (holding that an action is properly dismissed as frivolous where “the complaint contains indecipherable facts and unsupported legal assertions” (citing *Jackson v. Arizona*, 885 F.2d 639, 640-41 (9th Cir. 1989) *superseded by statute on other grounds as stated in Lopez v. Smith*, 203 F.3d 1122, 1100 (9th Cir. 2000))). “[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible.” *Denton*, 504 U.S. at 31; *see also Phelps*, 2023 WL 7094570 at *3.

Plaintiff’s Complaint is 262 pages long. It is repetitive, contains blocks of irrelevant text, and is largely incomprehensible. Although the Complaint deploys numerous legal theories, the court cannot discern “what circumstances were supposed to have given rise to the various causes of action.” *See McHenry v. Renne*, 84 F.3d 1172, 1178 (9th Cir.1996). Plaintiff has thus, failed to state a “short and plain” claim for relief in violation of Rule 8 and dismissal is appropriate. Further, the indecipherable nature of Plaintiff’s complaint renders her claims frivolous. Many of Plaintiff’s allegations trend toward “the irrational or the wholly incredible.” *See e.g., Compl. (Dkt. 1)* at 12 (alleging that plaintiff was a part of a “military base experiment, which was a gamble scheme to use and exploit children” from a young age). Thus, the Complaint is subject to dismissal for frivolousness. Because this is Plaintiff’s first attempt, the court will give Plaintiff an

1 opportunity to file an amended complaint. Plaintiff is reminded that any amended complaint
2 should state a “short and plain” claim for relief, and that her allegations should be “simple, direct,
3 and concise.” *See* Fed. R. Civ. P. Rule 8(a), 8(d)(1).

4 **CONCLUSION**

5 For the foregoing reasons, Plaintiff is **ORDERED** to file an amended complaint in
6 accordance with this order. Plaintiff shall have 45 days from the date of this order to file an
7 amended complaint. Should Plaintiff fail to timely file an amended complaint the undersigned will
8 issue a Report and Recommendation that the action be dismissed.

9 **IT IS SO ORDERED.**

10 Dated: June 21, 2024

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14 ROBERT M. ILLMAN
15 United States Magistrate Judge
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